



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

A. G. FILE NO. 6-3088

GERALD C. MANN
ATTORNEY GENERAL

Honorable J. D. Looney
County Auditor
Bowie County
Boston, Texas

Dear Sir:

Opinion No. 0-3088

Re: Purchase of groceries and
supplies for county poor
farm.

Your request for opinion has been received and
carefully considered by this department. We quote from
your request as follows:

"Bowie County has a poor farm, And a
question has arisen who duties it is to do
the buying of Groceries and Supplies for the
inmates of said poor farm. Has the Supt
the right to buy Groceries and supplies with-
out a requisition and if not, is it the
Duty of the County Auditor to give one, or
the County Judge?"

Article 2351, Vernon's Annotated Texas Civil Stat-
utes, reads in part as follows:

"Each Commissioners' Court shall:

"

"11. Provide for the support of paupers
and such idiots and lunatics as cannot be ad-
mitted into the lunatic asylum, residents of
their county, who are unable to support them-
selves. By the term resident as used herein,
is meant a person who has been a bona fide in-
habitant of the county not less than six months
and of the State not less than one year."

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Article 718, Vernon's Annotated Texas Civil Statutes, reads in part as follows:

"After having been authorized as provided in Chapter One of this Title, the Commissioners' Court of a county may lawfully issue bonds of said county for the following purposes:

". . .

"3. To establish county poor houses and farms in the county; . . ."

Article 1659, Vernon's Annotated Texas Civil Statutes, reads as follows:

"Supplies of every kind, road and bridge material, or any other material, for the use of said county, or any of its officers, departments, or institutions must be purchased on competitive bids, the contract to be awarded to the party who, in the judgment of the commissioners court, has submitted the lowest and best bid. The county auditor shall advertise for a period of two weeks in at least one daily newspaper, published and circulated in the county, for such supplies and material according to specifications, giving in detail what is needed. Such advertisements shall state where the specifications are to be found, and shall give the time and place for receiving such bids. All such competitive bids shall be kept on file by the county auditor as a part of the records of his office, and shall be subject to inspection by any one desiring to see them. Copies of all bids received shall be furnished by the county auditor to the county judge and to the commissioners court; and when the bids received are not satisfactory to the said judge or county commissioners, the auditor shall reject said bids and re-advertise for new bids. In cases of emergency,

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purchases not in excess of one hundred and fifty dollars may be made upon requisition to be approved by the commissioners court, without advertising for competitive bids."

Article 1660, Vernon's Annotated Texas Civil Statutes, reads as follows:

"All claims, bills and accounts against the county must be filed in ample time for the auditor to examine and approve same before the meetings of the commissioners court. No claim, bill or account shall be allowed or paid until it has been examined and approved by the county auditor. The auditor shall examine the same and stamp his approval thereon. If he deems it necessary, all such accounts, bill, or claims must be verified by affidavit touching the correctness of the same. The auditor is hereby authorized to administer oaths for the purposes of this law."

Article 1661, Vernon's Annotated Texas Civil Statutes, reads as follows:

"He shall not audit or approve any such claim unless it has been contracted as provided by law, nor any account for the purchase of supplies or materials for the use of said county or any of its officers, unless, in addition to other requirements of law, there is attached thereto a requisition signed by the officer ordering same and approved by the county judge. Said requisition must be made out and signed and approved in triplicate by the said officers, the triplicate to remain with the officer desiring the purchase, the duplicate to be filed with the county auditor, and the original to be delivered to the party from whom said purchase is to be made before any purchase shall be made. All warrants on the county treasurer, except warrants for jury service, must be countersigned by the county auditor."

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The Commissioners' Court has general management, supervision and control over the county poor farm and would clearly have authority to employ a superintendent or overseer to look after the affairs of the poor farm under their direction. The purchase of groceries and supplies must be made in strict compliance with Articles 1659 and 1661, supra. We call your particular attention to that portion of Article 1661, supra, which reads as follows:

" . . . nor any account for the purchase of supplies or materials for the use of said county or any of its officers, unless, in addition to other requirements of law, there is attached thereto a requisition signed by the officer ordering same and approved by the county judge. Said requisition must be made out and signed and approved in triplicate by the said officers, the triplicate to remain with the officer desiring the purchase, the duplicate to be filed with the county auditor, and the original to be delivered to the party from whom said purchase is to be made before any purchase shall be made. . . . "

Trusting that this satisfactorily answers your inquiry, we are

Very truly yours

APPROVED FEB 21, 1941

ATTORNEY GENERAL OF TEXAS

Robert C. Allen

FIRST ASSISTANT
ATTORNEY GENERAL

By

Wm. J. Fanning

Wm. J. Fanning
Assistant

WJF:GW

